

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**CELLULAR COMMUNICATIONS
EQUIPMENT, LLC.**

Plaintiff,

v.

HTC CORPORATION, ET AL.,

Defendants.

CIVIL ACTION NO. 6:16-cv-475

**CELLULAR COMMUNICATIONS
EQUIPMENT, LLC.**

Plaintiff,

v.

ZTE CORPORATION, ET AL.,

Defendants.

CIVIL ACTION NO. 6:16-cv-476

**CELLULAR COMMUNICATIONS
EQUIPMENT, LLC.**

Plaintiff,

v.

APPLE INC., ET AL.,

Defendants.

CIVIL ACTION NO. 6:14-cv-251

ORDER

On May 31, 2016, Cellular Communications Equipment (“CCE”) filed its Complaint in the *HTC* and *ZTE* cases, alleging infringement of, among other patents, U.S. Patent No. 7,941,174 (“the ’174 Patent”). On April 7, 2014, CCE filed its Complaint in the *Apple* case, also alleging infringement of the ’174 Patent.

On September 23, 2015, the Court stayed all claims and issues pertaining to the '174 Patent pending *Inter Partes* Review in the then-consolidated lead case. No. 6:13-cv-507, Doc. No. 470 ("-507 case"). The PTAB subsequently issued a final written decision holding that Petitioner had not shown that claims 1, 6, 9, 14, 18, and 19 of the '174 Patent were unpatentable. The Court then dismissed all claims regarding the '174 Patent against HTC, ZTE, and the Carrier Defendants from the -507 Case, without prejudice, so that they could be included in newly-filed Civil Action Nos. 6:16-cv-475 and 6:16-cv-476 (the -475 and -476 cases). At the final pretrial conference, the Court severed the claims regarding the '174 Patent from the *Apple* case, and ordered the parties to continue meeting and conferring about how to move the '174 Patent claims forward.

Before the Court is CCE's Unopposed Motion to Consolidate Cases for Pretrial ("the Motion"). Doc. No. 382. In the Motion, CCE requests the Court to: open a new civil action for proceedings against Apple involving the '174 Patent that were severed from the *Apple* case; consolidate that newly-created action with the -475 and -476 cases for pretrial purposes; and set a scheduling conference for the newly-consolidated action at the same time as the -475 and -476 cases.

The Clerk of the Court is **ORDERED** to open a new cause number for the Apple proceeding regarding the '174 Patent. The Court will issue an Order on the remainder of this Motion after the new case is opened.

So ORDERED and SIGNED this 7th day of March, 2017.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE